

1982 WL 189246 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 7, 1982

\*1 Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building

Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to the effect on a member's disability retirement of his election to the General Assembly. The situation involves a person who was a member of the South Carolina Retirement System and who was retired by the Medical Board on disability.

Section 9-1-650, by negative implication, permits a person to receive retirement payments from the South Carolina Retirement System even though he is a member of the General Assembly. However, it is the opinion of this office that this is merely a general grant of eligibility and does not override the specific limitations which § 9-1-1580 and § 9-1-1590 place on the amount which may be paid to a disability retiree who is engaged in a gainful occupation. Accordingly, it is the opinion of this office that the salary of a member of the General Assembly who is a disability retiree under the South Carolina Retirement System should be applied to reduce the disability retirement benefits.

Sincerely yours,

Kenneth P. Woodington

Senior Assistant Attorney General

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